

IN THE UNITED STATES COURT OF APPEALS
FOR THE FEDERAL CIRCUIT

NELSON F. GOMEZ)	
)	
Petitioner,)	
)	No. 22-2024
v.)	
)	
DEPARTMENT OF THE INTERIOR,)	
)	
Respondent.)	

PETITIONER’S MOTION TO WITHDRAW FILING

Comes now, Petitioner Nelson Gomez, though counsel Christopher Zampogna of Zampogna, P.C., hereby moves the Court to withdraw the Joint Appendix filed by Petitioner on April 10, 2023. This mistakenly filed Joint Appendix, Dkt. No. 20, does not conform to the Federal Rules of Appellate Procedure and the Local Rules of the Federal Circuit.

Petitioner will file the Joint Appendix by April 17, 2023 in accordance with Federal Circuit Rule 30(a)(2) and all other applicable rules.

This motion was presented to counsel for the respondent on April 12, 2023, who informed counsel for petitioner that they do not oppose this motion.

Dated: April 13, 2023

Respectfully submitted,

/s/ Christopher Zampogna

Christopher Zampogna

Zampogna, P.C.

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Counsel for Petitioner

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DECLARATION OF ABRAHAM BLUESTONE

Pursuant to Rule 27(a)(4) of the Rules of this Court and 28 U.S.C. § 174, I, Abraham Bluestone, provide the following declaration.

1. I am an attorney and associate at Zampogna, P.C.. I am licensed to practice law in the District of Columbia and in the U.S. District Court for the District of Columbia.
2. I submit this declaration in support of Nelson Gomez's request to withdraw the filing of the joint appendix on April 10, 2023.
3. On April 10, 2023, I filed the incorrect joint appendix using Christopher Zampogna's Pacer account.
4. Shortly after filing that incorrect Appendix, Liridona Sinani, counsel for respondent, contacted me and informed me that the filing is in violation of the Rules of this Court.

5. Upon further review, I found that the filing is in violation of the Rules of this Court.
6. Rule 30(a)(2) of the Rules of this Court requires that the Appendix be filed by April 17, 2023.
7. There are no facts in dispute related to this Motion to Withdraw the Appendix Filed April 10, 2023.
8. On April 12, 2023, on behalf of Christopher Zampogna, I contacted respondent's counsel, Ms. Sinani, by email regarding respondent's consent to our request. Ms. Sinani responded to me by email that she does not oppose this request.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on April 13, 2023.

/s/ Abraham Bluestone
Abraham Bluestone

CERTIFICATE OF COMPLAINT WITH
TYPE-VOLUME LIMITATION, TYPEFACE
REQUIREMENTS, AND TYPE-STYLE

1. This motion complies with the type-volume limitation of Federal Rule of Appellate Procedure 27(d)(2)(A). The motion contains 104 words, excluding accompanying documents authorized by Federal Rule of Appellate Procedure 27(a)(2)(B).

2. This motion complies with the typeface requirements of Federal Rule of Appellate Procedure 32(a)(5) and the type-style requirements of Federal Rule of Appellate Procedure 32(a)(6). The motion has been prepared in a proportionally space typeface using Microsoft Word in Times New Roman, 14-point font.

/s/ Christopher Zampogna

Christopher Zampogna

Attorney for Petitioner

April 13, 2023

FORM 9. Certificate of Interest

Form 9 (p. 1)
July 2020

**UNITED STATES COURT OF APPEALS
FOR THE FEDERAL CIRCUIT**

CERTIFICATE OF INTEREST

Case Number 2022-2024

Short Case Caption Gomez v. Interior

Filing Party/Entity Nelson Gomez

Instructions: Complete each section of the form. In answering items 2 and 3, be specific as to which represented entities the answers apply; lack of specificity may result in non-compliance. **Please enter only one item per box; attach additional pages as needed and check the relevant box.** Counsel must immediately file an amended Certificate of Interest if information changes. Fed. Cir. R. 47.4(b).

I certify the following information and any attached sheets are accurate and complete to the best of my knowledge.

Date: 04/13/2023

Signature: /s/ Christopher Zampogna

Name: Christopher Zampogna

FORM 9. Certificate of Interest

Form 9 (p. 2)
July 2020

1. Represented Entities. Fed. Cir. R. 47.4(a)(1).	2. Real Party in Interest. Fed. Cir. R. 47.4(a)(2).	3. Parent Corporations and Stockholders. Fed. Cir. R. 47.4(a)(3).
Provide the full names of all entities represented by undersigned counsel in this case.	Provide the full names of all real parties in interest for the entities. Do not list the real parties if they are the same as the entities. <input checked="" type="checkbox"/> None/Not Applicable	Provide the full names of all parent corporations for the entities and all publicly held companies that own 10% or more stock in the entities. <input checked="" type="checkbox"/> None/Not Applicable
Nelson Gomez		

☐ Additional pages attached

FORM 9. Certificate of Interest

Form 9 (p. 3)
July 2020

4. Legal Representatives. List all law firms, partners, and associates that (a) appeared for the entities in the originating court or agency or (b) are expected to appear in this court for the entities. Do not include those who have already entered an appearance in this court. Fed. Cir. R. 47.4(a)(4).

☐ None/Not Applicable☐ Additional pages attached

Abraham Bluestone (appeared before MSPB in a Limited Capacity)	(Mr. Bluestone will not be appearing before this Court)	

5. Related Cases. Provide the case titles and numbers of any case known to be pending in this court or any other court or agency that will directly affect or be directly affected by this court's decision in the pending appeal. Do not include the originating case number(s) for this case. Fed. Cir. R. 47.4(a)(5). See also Fed. Cir. R. 47.5(b).

☒ None/Not Applicable☐ Additional pages attached

6. Organizational Victims and Bankruptcy Cases. Provide any information required under Fed. R. App. P. 26.1(b) (organizational victims in criminal cases) and 26.1(c) (bankruptcy case debtors and trustees). Fed. Cir. R. 47.4(a)(6).

☒ None/Not Applicable☐ Additional pages attached
